

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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MARCIAL ZEPEDA,

Case No. 3:21-cv-00251-MMD-CLB

Plaintiff,

ORDER

v.

PERRY RUSSELL, *et al.*,

Defendants.

*Pro se* Plaintiff Marcial Zepeda brought this action against Defendants Perry Russell and Charles Daniels under 42 U.S.C. § 1983. (ECF No. 5.) Before the Court is the Report and Recommendation (“R&R”) of United States Magistrate Carla L. Baldwin, primarily recommending that the Court dismiss this case because Zepeda did not update his address even after twice being ordered to do so. (ECF No. 39.) Zepeda’s objection to the R&R was due April 11, 2023. To date, Zepeda has not objected to the R&R.<sup>1</sup> For this reason, and as explained below, the Court adopts the R&R in full and dismisses this case without prejudice.

Because there was no objection, the Court need not conduct *de novo* review, and is satisfied that Judge Baldwin did not clearly err. See *United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original). Judge Baldwin persuasively recommends the Court dismiss this case because Zepeda has failed to update his address in compliance with LR IA 3-1 despite two warnings that he must, or face dismissal

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<sup>1</sup>The R&R was returned to the Court as undeliverable because Zepeda has been paroled. (ECF No. 40; see also ECF No. 39 at 1 (“The Court is aware that “PAR” is a reference to the fact that Plaintiff has been paroled.”).)

1 of his case. (ECF No. 39.) Accordingly, the Court adopts Judge Baldwin's R&R in full and  
2 dismisses this case without prejudice.

3 It is therefore ordered that Judge Baldwin's Report and Recommendation (ECF  
4 No. 39) is accepted and adopted in full.

5 It is further ordered Defendants' motion for summary judgment (ECF No. 29) is  
6 denied as moot.

7 It is further ordered that this case is dismissed, in its entirety, without prejudice.

8 The Clerk of Court is directed to enter judgment accordingly and close this case.

9 DATED THIS 14<sup>th</sup> Day of April 2023.

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MIRANDA M. DU  
12 CHIEF UNITED STATES DISTRICT JUDGE  
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